

**Vogt, Diana**

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**From:** Vogt, Diana  
**Sent:** Friday, July 14, 2017 11:39 AM  
**To:** Timothy R. Engler  
**Cc:** Law Office; Robert Sherrets  
**Subject:** RE: Depositions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Tim, I am reviewing documents preparing for the depositions. We produced some emails that were provided to us by Deb that contain discussions between Deb and Mr. Pillen and others regarding allocations to various entities.

Some of them go back to 2006. I have no doubt that you have provided me with everything you have available.

However, after reviewing the limited correspondence I have and terms of the management agreements, it appears that allocation of costs and expenses was an ongoing issue. I find it very troubling that Mr. Pillen says that there are no communications regarding allocation of costs.

*Diana J. Vogt, J.D.  
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Omaha, NE 68114  
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**LCA**<sup>TM</sup>  
LITIGATION COUNSEL  
OF AMERICA  
**FELLOW**



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**From:** Timothy R. Engler [mailto:TEngler@remboltlawfirm.com]  
**Sent:** Thursday, July 13, 2017 7:12 PM

To: Vogt, Diana <dvogt@sherrets.com>

Subject: Re: Depositions

I was out today. I am meeting with Pillen and Cara tomorrow and will have a better answer for you on both questions.

Tim Engler  
Rembolt Ludtke LLP  
3 Landmark Centre  
1128 Lincoln Mall, Suite 300  
Lincoln, NE 68508  
(402)-475-5100  
[tengler@remboltlawfirm.com](mailto:tengler@remboltlawfirm.com)

On Jul 13, 2017, at 2:06 PM, Vogt, Diana <[dvogt@sherrets.com](mailto:dvogt@sherrets.com)> wrote:

<image001.gif>

Two quick things:

1. Are you designating Cara on some of the 30(b)(6) matters and Jim on some or just both generally on all of them?
2. We are going to need to depose Steve Weiss. Do you think he will do it by agreement, or should I just issue a subpoena and then we can negotiate time and place. He is in Mason City, Iowa.

*Diana J. Vogt, J.D.*  
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<image002.png>

<image003.jpg>

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